PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P4647.PC/PDW	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/GB2005/000617	International filing date *(day/month/year)* 21.02.2005	Priority date *(day/month/year)* 19.02.2004

International Patent Classification (IPC) or national classification and IPC H04M1/725, G06F17/30

Applicant QUALCOMM CAMBRIDGE LIMITED

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

    a. ☐ *sent to the applicant and to the International Bureau)* a total of sheets, as follows:

    ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

    ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

    b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

    ☒ Box No. I   Basis of the opinion

    ☐ Box No. II   Priority

    ☐ Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

    ☐ Box No. IV   Lack of unity of invention

    ☒ Box No. V   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

    ☐ Box No. VI   Certain documents cited

    ☐ Box No. VII   Certain defects in the international application

    ☐ Box No. VIII   Certain observations on the international application

Date of submission of the demand 16.12.2005	Date of completion of this report 16.03.2006
Name and mailing address of the international preliminary examining authority: European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Bowler, A Telephone No. +49 30 25901-448

Box No. I   Basis of the report

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
   ☐ international search (under Rules 12.3 and 23.1(b))
   ☐ publication of the international application (under Rule 12.4)
   ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   Description, Pages

   1-23   as originally filed

   Claims, Numbers

   1-14   as originally filed

   Drawings, Sheets

   1/5-5/5   as originally filed

   ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
   ☐ the description, pages
   ☐ the claims, Nos.
   ☐ the drawings, sheets/figs
   ☐ the sequence listing *(specify)*:
   ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   ☐ the description, pages
   ☐ the claims, Nos.
   ☐ the drawings, sheets/figs
   ☐ the sequence listing *(specify)*:
   ☐ any table(s) related to sequence listing *(specify)*:

   *   *If item 4 applies, some or all of these sheets may be marked "superseded."*

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-14
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V
Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
D2: WO 01/61508 A (DIGIMARC CORPORATION; RAMOS, DANIEL, O; JONES, KEVIN, C; RHOADS, GEOFF) 23 August 2001 (2001-08-23)
D5: WO 00/56025 (NETPLIANCE, INC.; WILLEBEEK-LEMAIR, MARC ET AL.) 21 SEPTEMBER 2000 (2000-09-21) (NEW CITATION)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-14 is not new in the sense of Article 33(2) PCT.

2.1 The document D2 discloses (the references in parentheses applying to this document):

A method of receiving content data (media files, images, video see figure 3, page 11, line 5 to page 13, line 22) for a user interface (300) to a device (web browser 304 of computer 300), (see fig. 7, page 42, line 13- page 43, line 30) the method comprising the steps of:

the device receiving content data (watermarked media objects, page 1, lines 23-30) for a user interface (user terminal 130) from a communications interface (300, Internet)

the device processing the received content data to form a user interface for the device (see again page 11, line 5 to page 13, line 22);

wherein the content data comprises metadata (page 20, lines 13-26); and

the method comprises the further step of the device accessing content data updates via the communications interface in accordance with the content data metadata. (page 23, lines 24-30)

" *For example, an LDAP service can be used to determine when to extract the watermark link and update attributes of a media object. For example, the LDAP service may control*

*periodic updates of the media object's attributes by invoking a watermark decoder and
retrieving an update of its attributes from a metadata server at predetermined times. An
LDAP search filter that includes or accesses a watermark decoder can also be provided to
find watermarked media signals in files stored in file directories on computers."*

2.2   Therefore it is clear that claim 1 is not novel.

2.3   The same reasoning applies, mutatis mutandis, to the subject-matter of the
corresponding independent claim 9 which therefore is also considered not new.
Claim 9 is a device claim which corresponds to claim 1 and is treated analogously.

3.   The present application does not meet the criteria of Article 33(1) PCT, because the
subject-matter of claim 1 and 9 is not new in the sense of Article 33(2) PCT.

Further regarding claims 1 and 9 see D5, which discloses :
A method of receiving content data (page 1 lines 19-22) for a user interface (10 figure 1,2)
from a communications interface (12 figure 1) the method comprising the steps of:

the device receiving content data (see figure 3a channel guide, figure 3b CNN homepage)
for a user interface (user terminal 10, figure 2) from a communications interface
(connection server 12)

the device processing the received content data to form a user interface for the device
(see page 26 line 26 to page 30, line 9);

wherein the content data comprises metadata (user configuration file; page 10, lines 6 -
29); and

the method comprises the further step of the device accessing content data updates via
the communications interface in accordance with the content data metadata. (page 10
lines 17-26).

3.1   Further references to the updating functionality are found throughout D5:
for example see page 21 lines 14-27; ("in one embodiment, access device 10 performs

scheduled pulls from a predetermined server, during which access device 10 checks for
e-mail and updates. In another embodiment, access device 10 accepts incoming data
updates, such as by accepting a telephone call, to indicate that an e-mail or other
information awaits the user.")

3.2   Claims 1 and 9 are not new in view of this user interface device with updating
function of content via metadata.

4.   Dependent claims 2-8 do not contain any features which, in combination with the
features of any claim to which they refer, meet the requirements of the PCT in respect of
novelty and/or inventive step, see document D2. and the corresponding passages cited in
the following analysis.

Claim 2. A method according to claim 1, wherein the metadata
comprises an address for content data updates and the device accesses the content data
updates located at the address. (page 20, lines 16-17)

Claim 3,10: A method according to claim 1, wherein the metadata comprises a first
address and the device queries the first address to obtain a second address, the device
accessing the content data updates located at the second address. (pointer to URL page
20 lines 16-17)

Claim 4,11: A method according to claim 3, wherein the first address locates a database,
the database comprising addresses for a plurality of content data updates. (page 19, lines
24-31)

Claim 5,12: A method according to any preceding claim wherein the metadata comprises
data which determines the frequency at which the device accesses content data updates.
(see again page 23, lines 24-30).

Claim 6,13: A method according to any of claims 1 to 5 wherein the metadata comprises
data which defines events that cause the device to access content data updates. (page 23,
lines 24-30).

Claim 7,14: A method according to any preceding claim, wherein the content data updates accessed by the device are received via the communications interface processed by the device and used to update the device. (page 23, lines 24-30)

Claim 8. Computer executable code is disclosed throughout the entire specification of D2 (See page 1, line 19 to page 2, line 27).

Furthermore claims 2-7 and 10-14 are deemed to be anticipated by D5 as these claims define details of the updating functionality which is clearly disclosed by D5.

5. Applicant's arguements have been considered but are not deemed to be persuasive.